

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA
Montana Fourth Judicial District Court, County of Missoula

STATE OF MONTANA,)	
)	
Plaintiff,)	CAUSE NO. DC-18-577
)	
-vs-)	
)	DECISION
TREVOR DEAN NAULT,)	
)	
Defendant.)	

By an Amended Judgment, the Defendant was sentenced on January 28, 2019, to the Department of Corrections for five (5) years for Count I: Criminal Possession of Dangerous Drugs. As to Count II: Tampering With or Fabricating Physical Evidence, the Defendant was sentenced to the Department of Corrections for ten (10) years, with eight (8) years suspended, to run consecutively to Count I, consecutively to Sanders County Cause No. DC-09-33, and concurrently with Count III. As to Count III: Obstructing a Peace Officer or Other Public Servant, the Defendant was sentenced to the Missoula County Detention Center for six months, with credit for time served, to run consecutively to Count I, consecutively to Sanders County Cause No. DC-09-33, and concurrently with Count II. The Court recommended NEXUS followed by Pre-Release and advised that upon successful completion of those programs, the balance of the Defendant's sentence may be suspended. The Defendant would be allowed to apply for early release from supervision or discharge of sentence with input from the Defendant's Probation Officer and the Missoula County Attorney.

On May 2, 2019, the Defendant's Application for review of that sentence was heard by the Sentence Review Division of the Montana Supreme Court (hereafter "the Division"). The Defendant appeared by video conferencing from Great Falls Regional Prison. He was represented by Carrie Gibadlo of the Office of the State Public Defender. The State was not represented.

Before hearing the Application, the Defendant was advised that the Division has the authority not only to reduce the sentence or affirm it, but also increase it. The Defendant was further advised that there is no appeal from a decision of the Division. The Defendant acknowledged that he understood this and stated that he wished to proceed.

Rule 12, Rules of the Sentence Review Division of the Supreme Court of Montana, provides that, "The sentence imposed by the District Court is presumed correct. The sentence shall not be reduced or increased unless it is clearly inadequate or clearly excessive." (Section 46-18-904(3), MCA).

It is the unanimous decision of the Division that the Defendant's sentence is clearly excessive and should be **MODIFIED**. The Division hereby modifies the sentence so that Counts I, II, and III shall all run concurrently with each other. As ordered in the Judgment of January 28, 2019, the sentence herein shall run consecutively to the sentence imposed in Sanders County Cause No. DC-09-33. The Division believes this modification furthers the intent of the sentencing judge to have the Defendant participate in chemical dependency treatment. The remaining terms and conditions of the sentence imposed are not clearly inadequate or clearly excessive and are affirmed.

Done in open Court this 3rd day of May, 2019.

DATED this 30th day of May, 2019.

SENTENCE REVIEW DIVISION



Hon. Brenda Gilbert, Chairperson



Hon. Dan Wilson, Member



Hon. Luke Berger, Member

Copies mailed this 4th day
of June, 2019, to:

Clerk of District Court (Original)
Trevor Dean Nault #3004851, Defendant (2)
Carrie Gibadlo, Defense Counsel
Hon. John Larson
Brent Getty, Defense Counsel
D. James McCubbin, Jr., Esq.
Board of Pardons and Parole
MSP - Records Dept.



Georgia Lovelady, Judicial Assistant
Sentence Review Division